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Third session

SUMMARY RECORD OF THE 64th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 22 January 1993, at 10 a.m.

Chairman: Mrs. BADRAN

CONTENTS

Consideration of reports submitted by States parties under article 44 of the Convention (continued)

Report of the Russian Federation (continued)

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 11) (continued)

Report of the Russian Federation (CRC/3/Add.5) (continued)

1. The CHAIRMAN invited the delegation of the Russian Federation to continue its replies to questions asked by members of the Committee.

2. Mrs. LAKHOVA (Russian Federation), turning first to the questions asked by Miss Mason, said that payments for maintenance of illegitimate children could be exacted only when paternity had been legally established, for example, in a joint statement by both parents concerning the parental rights of the father. It was also possible for the mother to apply to the courts for a paternity order. Under the Bill on the protection of the family, mothers, fathers and children, a father would have the right to confirm his paternity in a legal document. In that respect the Bill was consistent with the Convention on the Rights of the Child with regard to the equal rights of both parents.

3. On the question of special juvenile courts, there was certainly an acute need for reform of the judicial system. At present, juvenile cases were heard in the general courts, but a bill approved in 1992 provided for the establishment of special juvenile courts. As to the courts' knowledge of child psychology, higher institutes of legal education now offered a programme designed to train future child psychologists and lawyers. At present some juvenile cases could be heard in closed session in the interests of the child concerned.

4. On the question of non-custodial punishment, young offenders could be required to pay compensation for damage or a fine, perform socially useful or correctional work, or have limitations imposed on their leisure time.

5. Mrs. Eufemio had asked how children were prepared for parenthood. Children received training in centres for the raising of healthy children, located in children's polyclinics, which worked closely with the schools. The schools themselves taught ethics, psychology and family relations, and sex-education programmes were being introduced. The Bill on the protection of the family, mothers, fathers and children established the equal rights of both parents in the upbringing of their children and their equal obligations and responsibilities. The Bill incorporated in law for the first time the concept of paternity. On another question, incest was punishable by law and was rarely found in Russia.

6. Mr. Hammarberg had asked what measures, in addition to legislation, had been introduced to prevent child prostitution. The staff of schools worked with the families of risk groups in conjunction with the Inspectorate for Juvenile Affairs. In addition, children's leisure time was organized, and children's centres, sports and other clubs and the children's movement itself were mobilized. Such activities were supported by the State; in accordance with a presidential decree on youth policy, 130 million roubles was to be provided in 1993 for the children's movement. The financing of children's

leisure activities from federal and local funds was increasing; for example, in 1993 the federal budget was contributing 4 billion roubles, as against 2 billion in 1992. The children's centres were staffed by teachers, lawyers, doctors and psychologists. Rehabilitation centres were also being set up, for example for girls who were unable to return to their families. In recent years local youth employment programmes had been financed by the Federal Employment Fund. But Mr. Hammarberg was right: more decisive action was needed by the State and NGOs in order to solve the problem.

7. Mr. Hammarberg had noted that in a time of economic crisis children living in children's homes were not provided with everything they needed. Such homes were supported by the State, and the programmes for orphans, for example, were designed to cater to all the interests of the child. The federal contribution to such institutions had increased from 3 billion roubles in 1992 to 13 billion roubles in 1993. The salaries of their teachers and other professional staff were higher than in the general education system. Orphans were the children of the State and, even in a time of crisis, the State must do everything necessary for them.

8. Mr. Hammarberg had also asked a question about migration, which had indeed become a problem in Russia as a result of the collapse of the Soviet Union and conflicts between nationalities. A federal programme on migration had been adopted and a migration service established. In order to help overcome the difficulties, bilateral treaties were being signed between the Russian Federation and the other States of the former Soviet Union. Such treaties contained special articles on questions relating to the protection of the child.

9. In answer to a question put by Mgr. Bambaren Gastelumendi, she could confirm that there was a relationship between the increase in juvenile crime and the number of one-parent families, which now accounted for approximately 10 per cent of all families. Family stability was also affected by the higher divorce rate, and lower living standards were having an unfavourable impact on marriage-family statistics (paras. 18-20 of the report).

10. As Mgr. Bambaren Gastelumendi had suggested, there was discrimination against rural children in the education system, usually because social and economic conditions were worse in rural areas. Some rural schools were short of teachers, but poor results and the repetition of school years were found in both rural and urban schools. The reasons for the situation were not clear, and the Ministry of Education was carrying out selective research into the question.

11. Mgr. Bambaren Gastelumendi had also asked about children who had to work for economic reasons. The minimum legal age of employment was 16 years. In exceptional cases 15-year-olds were allowed to have jobs and, subject to special safeguards, children aged 14 could be allowed to do part-time work. The matter depended largely on the financial situation of the family.

12. The rehabilitation of juveniles convicted of minor offences - a matter raised by Mr. Gomes da Costa - was the responsibility of the Commission and the Inspectorate for Juvenile Affairs. Children's clubs and centres, and the children's movement as a whole, were involved in the rehabilitation work.

13. In response to another question by Mr. Gomes da Costa, she could confirm that the existence of educational labour colonies was compatible with the Convention, in particular its article 37. Such colonies had never been run by the People's Commissariat for Internal Affairs (NKVD) but always by the Ministry of Internal Affairs (MVD). As to the point that children living in State institutions were deprived of the right to family life, she could confirm that the whole policy for orphans and children with physical and mental disabilities was based on the principle of the primacy of family life. Only in the most exceptional cases were children kept in State institutions. Statistics for recent years confirmed that the basic work in that area was now almost completed: only 25 per cent of parentless children lived in State institutions.

14. Mr. Gomes da Costa had also asked whether Russian legislation took into account the United Nations Standard Minimum Rules for the Administration of Juvenile Justice. One basic area of work of the Supreme Council had been to bring the provisions of criminal legislation into line with international standards, including the various Standard Minimum Rules. She had mentioned some of the changes in her opening statement and in replies to questions at the previous meeting. She had no information as to whether officials in correctional institutions were aware of the Standard Minimum Rules or received instruction in them.

15. Lastly, Mr. Gomes da Costa had asked about the rehabilitation of child prostitutes and drug addicts. She had already dealt with child prostitution in her reply to Mr. Hammarberg. For child drug addicts the Russian Federation had a special juvenile drugs service and programme which operated in close collaboration with the Inspectorate for Juvenile Affairs.

16. Mr. MOMBESHORA asked for confirmation of a statement made at the previous meeting that 37 per cent of childbirths involved complications and intensive care.

17. Mrs. LAKHOVA (Russian Federation) said that the health of pregnant women was indeed a cause of concern. Some 70 per cent of pregnant women suffered from diseases of various kinds, and 37 per cent of births were in fact accompanied by intensive care in maternity hospitals.

18. Miss MASON said that she had asked whether there were any public-defence arrangements for young offenders and any intermediary measures to prevent juveniles coming into conflict with the criminal justice system.

19. Mrs. LAKHOVA (Russian Federation) said that defence lawyers were provided free of charge to young offenders, and the system operated without any problems. In the case of minor offences, the Commission and the Inspectorate for Juvenile Affairs were called in to work with the families concerned, with mandatory participation by the children's schools in joint preventive programmes. The Commission was required to determine the causes underlying the offence and whether proceedings should be brought.

20. Mr. HAMMARBERG said that the many figures provided by the Russian Federation presumably related to finances and budgets at the federal level. It would therefore be interesting to find out more about local budgets and

about the division of responsibility for health, education and other Convention-related matters between the federal and the local levels of government.

21. His second question related to the general approach taken towards disabled children. The Convention philosophized to a certain extent about the relationship between disabled children, parents and the authorities, and on the whole favoured care by parents, even though in some cases it was necessary to find a balance in the best interests of the child. Throughout the world the emphasis was shifting from institutional care to care in the family and the community, even in the poorer countries. That reflected the view held by WHO and UNICEF that the disabled child was not the problem, but society's inability to deal with such children was. The report had tended to emphasize technical measures so that the problem was presented as a technical one, but disabled children themselves would say that they were first and foremost children. Politicians the world over needed to review their thinking on that point and to encourage the integration of disabled children into society. To what extent were those problems being discussed in Russia, bearing in mind that the Soviet Union had taken a very institutionalized approach to the disabled?

22. A very distressing aspect of the report had been its revelation of the tendency towards the breakdown of the family, as parents with severe economic problems lacked the energy to care for their own children. That would be an obstacle to promoting care in the community. In that connection it was of the utmost importance that the Russian Federation had begun training social workers. It would be interesting to know more about attempts to restore family culture in a country where there was such a high number of children living in institutions.

23. The CHAIRMAN observed that a time of change would be an appropriate time to change attitudes.

24. Mrs. LAKHOVA (Russian Federation) said that previously the budget had been centralized, but following an agreement between the constituent parts of the Russian Federation the authorities below the federal level now had far greater control over their own finances in order to resolve their own problems. In addition to the 1.5 billion roubles allocated to social services, social security funds had been established at the local levels with money coming both from the budget and from outside it. Those funds were directed as a matter of priority to those who needed it most, including children. Since each region of the Russian Federation had its particular needs and population profile, there could be no single standard applicable to them all. It was therefore necessary for budgets to be structured according to local requirements.

25. With regard to disabled children, it had already been mentioned that the new Government had more clearly defined policy towards disabled persons, but to change social attitudes took many years. Since disabled persons had been isolated from society for so long it would be extremely difficult at the federal level to resolve the problems of disabled children throughout the Russian Federation. The Russian President had appointed an adviser on

disability and a coordinating committee on disability, and it was a government priority to implement policy on disabled persons.

26. Parents had the right to choose whether disabled children should remain within the family or go into a State institution. When the child stayed at home there were subsequent problems with medical treatment. At the regional level, centres for the rehabilitation of disabled children were being set up to deal not only with medical problems, but also with the social adaptation of the child to society, and to provide vocational training. NGOs active in the field were proposing that the children should be described as disabled and not handicapped, and the parents of disabled children were raising the question of education in ordinary schools. An international centre for the rehabilitation of those suffering from cerebral palsy had been established and was very active in bringing international expertise to the Russian Federation.

27. The technical side of things was very important since disabled children should, for example, be given the possibility to leave a sixth-floor apartment and go outside. However, the Russian Federation simply did not produce many of the necessary technical appliances. Progress was nevertheless being made in involving disabled persons in cultural and sporting activities. There was no mixed education as yet; although disabled children were being prepared for integration, her Government did not have the resources to do more, and social attitudes were not very positive in that respect.

28. With regard to institutions, it was true that they did not offer many opportunities for integration. The new law on education provided for the establishment of private schools which might take up the education of disabled children. Some children were so severely disabled that their families were unable to keep them at home. The State did provide assistance to those families who cared for their children themselves.

29. Mr. HAMMARBERG considered that there was a difference in approach on one point: he did not think that deinstitutionalization was possible only where economic conditions allowed. It was true that resources did help enormously but some very poor countries had also been moving away from institutions since the emotional needs of the child were better served if he or she could be kept in a family environment. Such an approach was not necessarily embodied in the formal provisions of the Convention, although it should be noted that there was a reference to disabled children in article 2 of the Convention in connection with non-discrimination.

30. Mrs. LAKHOVA (Russian Federation) said that the forthcoming bill on disability would regulate the situation. A service for disabled children in society was being established. Her Government did not make a particular point of sending disabled children to government institutions and did try to help children in their families, but there was a need for qualified personnel. Disabled children living in a family environment received support from trained specialists who visited them at home. However, for disabled children to participate fully in society, that society must have a positive attitude towards them and that was something which would take a great deal of time to develop.

31. Mr. GOMES DA COSTA reiterated his question whether there were any foreign NGOs active in the Russian Federation as intermediaries for inter-country adoption. If so, what relation did they have with the Government of the Russian Federation? In addition, he asked about the division of responsibility for social services, such as preschool facilities, between the federal, regional and local authorities. Lastly reference had been made to illegitimate children; it would be interesting to know what distinction was made in legislation between legitimate and illegitimate children, and the practical consequences of such a distinction.

32. Mrs. LAKHOVA (Russian Federation) said that there was an adoption agency attached to the Ministry of Education which attempted to coordinate inter-country adoption throughout the Russian Federation. In 1992 it had been noted that there were serious problems connected with inter-country adoptions, and a Supreme Council decree had been issued restricting such adoptions and a law was being prepared on that very subject. There were many foreign NGOs involved in inter-country adoptions in the Russian Federation and they worked under the supervision of the Ministry of Education's adoption agency. Legally, no distinction was made between children born out of wedlock, and those born in wedlock and all children were guaranteed equal treatment regardless of their family background.

33. Since the property of the former USSR had not yet been reallocated, it was difficult to know at which level of government an institution was controlled. In principle social matters were financed by local governments, but over the years a system of State allowances had come into being in the area of protection of children. Examples were maternity leave and allowances for newborn children. Special allowances, such as those for one-parent families, foster families and families with disabled children, were financed from the federal budget. For many years over 70 per cent of preschool institutions had been financed by industrial enterprises from the central federal budget, with 30 per cent financed by local administrative organs. With the current crisis, however, many enterprises could not afford to maintain their preschool facilities, for which reason part of their financing had been transferred to the federal budget.

34. Mgr. BAMBAREN GASTELUMENDI said the report acknowledged that there were some problems with refugees due to conflicts in areas of the former USSR. He would appreciate further information on refugee children.

35. Mrs. LAKHOVA (Russian Federation) replied that, owing to the disintegration of the former USSR and subsequent ethnic conflicts in its territories, migration to Russia had increased. A special federal service had been established to deal with migration and to coordinate legislative action on refugees: a refugees' bill was currently in first reading before Parliament. The federal service channelled material assistance through the Government's humanitarian commission. Unfortunately, no statistics were available.

The meeting was suspended at 11.35 a.m. and resumed at noon.

36. The CHAIRMAN invited the members of the Committee to make their concluding observations on the report of the Russian Federation.

37. Mr. MOMBESHORA congratulated the delegation of the Russian Federation on its frank replies. The presence of a large delegation, together with the early ratification of the Convention and submission of a report, reflected the Russian Federation's great interest in children's rights.

38. He repeated that there was widespread international support for vaccination programmes. That was an area in which the Russian Federation might collaborate with United Nations agencies. Antenatal care also appeared to be an area requiring improvement. Concerning training, the reply had been adequate, but he would like to know whether training existed for health personnel at the lower levels, who tended to communicate more effectively with patients.

39. Mr. GOMES DA COSTA congratulated the delegation of the Russian Federation on the way in which political and social change was being conducted in the country. The changes in legislation, increased training of members of the State administration and determination of the society as a whole to continue its progress in implementing the Convention were all positive signs. Two very important indicators were the growing decentralization, which made it possible for the tasks and responsibilities involved in child care to be shared more rationally and effectively among the federal, state and local administrations, and the increased number of NGOs, reflecting the public authorities' willingness to begin sharing with civil society its tasks and responsibilities in the area of children's rights.

40. Being from Brazil, he understood the difficulties encountered by a large country in the process of political change and economic crisis. People from small, economically-sound countries often had difficulty grasping the problems of children in countries where the national Government was in a complex and contradictory situation.

41. He would like further to emphasize a distressing problem raised by Mr. Hammarberg, that of the institutionalization of children. Although it was necessary to institutionalize children in conflict with the law, he was concerned at the incidence of institutionalization of children who had committed no offence, such as orphans and disabled children. He feared that might represent a deliberate form of segregation of certain groups. In his view, there were two reasons for institutionalizing children: re-education, as for children in conflict with the law, and the concentration of specific resources for more adequate care. Despite the second reason, however, the institutionalization of a large number of children was not compatible with the spirit of the Convention in that it interfered with the children's right to live with their family and community. Thus alternative solutions, such as surrogate families and small educational communities, should be explored.

42. In conclusion, he commended the delegation for its openness and willingness to reply to the Committee's questions. He hoped that the Russian Federation's difficulties would be overcome by the end of the decade.

43. Miss MASON associated herself with the speakers who had commended the Russian Federation for its intention to continue meeting its obligations in the area of children's rights. Its next report to the Committee, five years hence, would show whether that intention had been successfully achieved.

44. She remained concerned about several issues. First, abortion appeared to be regarded as a method of family planning in the Russian Federation: that was unacceptable. Education as to the dangers inherent in that practice should be introduced into school curricula at an early stage. As a corollary, sex education in the schools should emphasize family life, which appeared to be deteriorating in the Russian Federation. Secondly, there was an absence of legislation enforcing the maintenance obligation of fathers towards children born out of wedlock. That was a form of discrimination and therefore incompatible with the provisions of the Convention. Thirdly, she was not happy with committal to re-education colonies as a method of dealing with children in conflict with the law. There should be a studied effort to reduce institutionalization of children and apply rehabilitative measures, including psychological assistance, aimed at the social reintegration of the child. In connection with the reorganization of the juvenile court system, the commissions on minors should not be retained as the final arbiter in children's cases.

45. She was generally impressed at the readiness of the Russian Federation to admit its shortcomings and its intention to do something about them.

46. Mr. HAMMARBERG, referring to recent legislation on adoption and disabled children in the Russian Federation, said that it was difficult for the Committee to pinpoint problems in a situation that was so new. While the importance of ratification of the Convention and legislation establishing the framework for continued reform should not be undervalued, the emphasis should be on what happened next. The fact that child-related expenditure represented over 9 per cent of the budget was positive, but it was also important for allocations to be increased. He noted with satisfaction the great interest expressed by the delegation in the economic effects of disarmament; that "peace dividend" was being used to provide more resources for human needs.

47. Referring to article 4 of the Convention, he said it was for State bodies to prove that they were implementing children's rights "to the maximum extent of their available resources". That was particularly important in a time of economic crisis, when there should be a system for monitoring the effects of that crisis on children. For example, he noted a disturbing negative trend in the infant mortality rate, which should be constantly monitored.

48. He noted with appreciation the introduction of social worker training and the support of local NGOs in mobilizing efforts in aid of children and in changing attitudes. Youth organizations in particular had great possibilities of creating a new atmosphere, where membership of those organizations would no longer be a duty but an opportunity to help effect change.

49. He had noted the emphasis given to the importance of changing attitudes towards children and to providing further training for personnel in institutions such as orphanages. He had also noticed, in connection with child prostitution, that it was intended to take more determined steps to combat that phenomenon and to ensure that offences of that type were given priority attention. The need for a change in attitude among ordinary people and families in particular had also been emphasized, as had the need to increase the feeling of solidarity within the family and to ensure that support was available to families, particularly those in difficult situations.

Social workers could play an important role in that respect. Such a change in attitude could also be expected to encourage a trend away from the institutionalization of children. In conclusion, he expressed his appreciation for the sincerity and self-criticism manifest in the State party's report and the responses of its delegation.

50. Mgr. BAMBAREN GASTELUMENDI said that the changes taking place in the Russian Federation were being followed with keen interest and there was great awareness of the major challenges it was facing; it was to be hoped that, in the midst of so many problems, priority would be given to children in social and economic policy. While recognizing that the implementation of new legislative measures would be difficult given the current economic situation, he shared the concern expressed by Mr. Hammarberg and Mr. Gomes da Costa that due importance should be attached to the family. Indeed, many problems in childhood and adolescence were related to crises within the family and there must be an overriding awareness of the importance of family and community to the child. The view that the State alone should bear responsibility for children's welfare should be changed, so that it came to be recognized that the burden of responsibility lay with the family, society and the State. It was to be hoped that in the transition process the positive side of modernization would outweigh the negative aspects, such as child prostitution and drug addiction, as well as a certain individualism tending towards egoism. And lastly, it was to be hoped that the awareness of the responsibility of the family would contribute to a trend away from institutionalization.

51. Mrs. SANTOS PAIS commended the openness and self-criticism evident in the comments of the delegation and the report of the Russian Federation. Referring to the repeatedly expressed concern that children should not be hostages of the difficult economic situation in the country, she expressed the hope that it might be possible to take steps to make the economic situation the hostage of the best interests of the child in relation to budgetary allocations and social structures, particularly for the most disadvantaged children. In connection with the increasing evidence of humiliation, neglect, ill-treatment and cruelty towards children, both in the family and in institutions, she called for the dissemination of relevant information and the promotion of children's groups as a means of fostering changes of attitude. The role which NGOs, with their expertise and contacts at different levels of society, could play in that respect should be emphasized. Further training of personnel in institutions, particularly detention centres, was also to be encouraged.

52. In view of the increase in the number of cases of cruelty, ill-treatment and humiliation of children, it would be interesting to know how mechanisms by which victims could make complaints would be assured. The increasing number of orphans and abandoned children gave rise to concern, as did the number of runaway children and the delinquency rate among those placed in institutions. She hoped that an evaluation of the situation could be made so that alternative solutions might be made available. As other members of the Committee had mentioned, institutions, however good, could never provide the family environment so beneficial to children. In that context, too, she

advocated further consideration of ways of reinforcing the role of the family in society or, where that was not possible, alternative solutions as close to the family environment as possible. She hoped that in labour camps, due consideration of the age and needs of children, respect for their dignity and contact with their families through visits and correspondence would be encouraged. Lastly, in the field of criminal legislation and in view of the steps currently being taken to revise such legislation, she urged that consideration should be given to the "Beijing Rules", the "Riyadh Rules" and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty.

53. Mrs. EUFEMIO said, on the question of the development of human resources, that trained personnel could play an important role in implementing the principles of the Convention and in response to the concerns expressed by members of the Committee. While she had noted that the first steps had already been taken in the training of personnel, a more general change in attitude remained to be encouraged, together with continuous training of personnel. It was important in that regard to have a mechanism to evaluate the training and competence of personnel. As observed by previous speakers, it would be useful for a dialogue to be established with senior officials concerned with budgetary matters, in order to be sure that areas related to children were given priority, particularly in a situation such as the current one where there was inevitably competition for budgetary resources.

54. The fact that the machinery to implement legislation on the rights of the child had not yet been completed could to some extent be considered an asset in that it meant that it could be oriented in the appropriate direction. Care should, however, be taken to ensure coordination at both national and local levels and to monitor activities, bearing in mind the need for specialized personnel in different areas to provide necessary data and for an objective processing system so that problems could be identified rapidly and solutions sought. In that respect she looked forward to receiving the next report of the Russian Federation in five years' time.

55. The CHAIRMAN assured the delegation of the Russian Federation of the Committee's appreciation for its efforts in preparing the report and providing information to the Committee. Briefly summarizing the points raised, she said that the Committee acknowledged the difficult economic situation in which the Russian Federation found itself. It had at the same time drawn particular attention to certain aspects of training and institutionalization, the important role of the family, decentralization, the role which society, NGOs and the community could play, monitoring, and the increase in ill-treatment and humiliation of children. She thanked the delegation for its openness and sensitivity.

56. Mrs. LAKHOVA (Russian Federation) thanked the members of the Committee for their comments and suggestions, which would be taken into consideration in

the preparation of a national plan of action for the defence and protection of children. She hoped that it would be possible in five years' time to present a further report describing the results of recent measures on the basis of a deeper understanding of the problems and against the background of the principles of the Convention, and article 4 in particular.

57. The delegation of the Russian Federation withdrew.

The meeting rose at 1 p.m.